

June 2, 2004 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0275

George M. Vergara

Bermuda Magisterial District
4636 Wellington Farms Drive

REQUEST: A thirty-three (33) foot Variance to the fifty (50) foot corner side yard setback requirement for a proposed detached garage having more than one (1) story.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.
- B. The applicant has provided no information that there are such unusual circumstances about this property that adherence to the required setback would cause undue hardship.

GENERAL INFORMATION

Location:

This property is known as 4636 Wellington Farms Drive. Tax ID 784-660-7603 (Sheet 26).

Existing Zoning:

R-25

Size:

0.7 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-25; Residential
South - R-25; Residential
East - R-25; Residential
West - R-25; Residential

Utilities:

Public water and sewer

Transportation:

This request may create a sight distance problem along Wellington Farms Drive or Gravel Neck Drive.

General Plan:

(Chester Village Plan)

Residential
(1.50 units per acre or less)

DISCUSSION

The applicant is proposing to construct a detached garage having more than one (1) story. The garage will be located seventeen (17) feet from the corner side yard property line. The Zoning Ordinance requires a fifty (50) foot corner side yard setback requirement; therefore, the applicant is requesting a thirty-three (33) foot Variance (see attached plat).

The applicant provides the following justification in support of this request:

I would like to construct a detached garage for storage of personal vehicles and personal property. Our lot is a corner lot which restricts the placement of a detached garage.

Staff visited the site which is located in the Wellington Farms Subdivision.

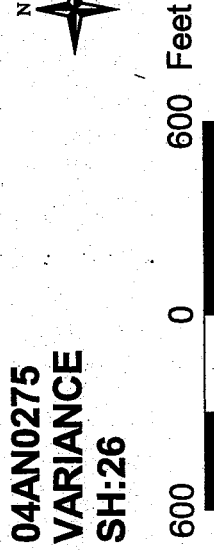
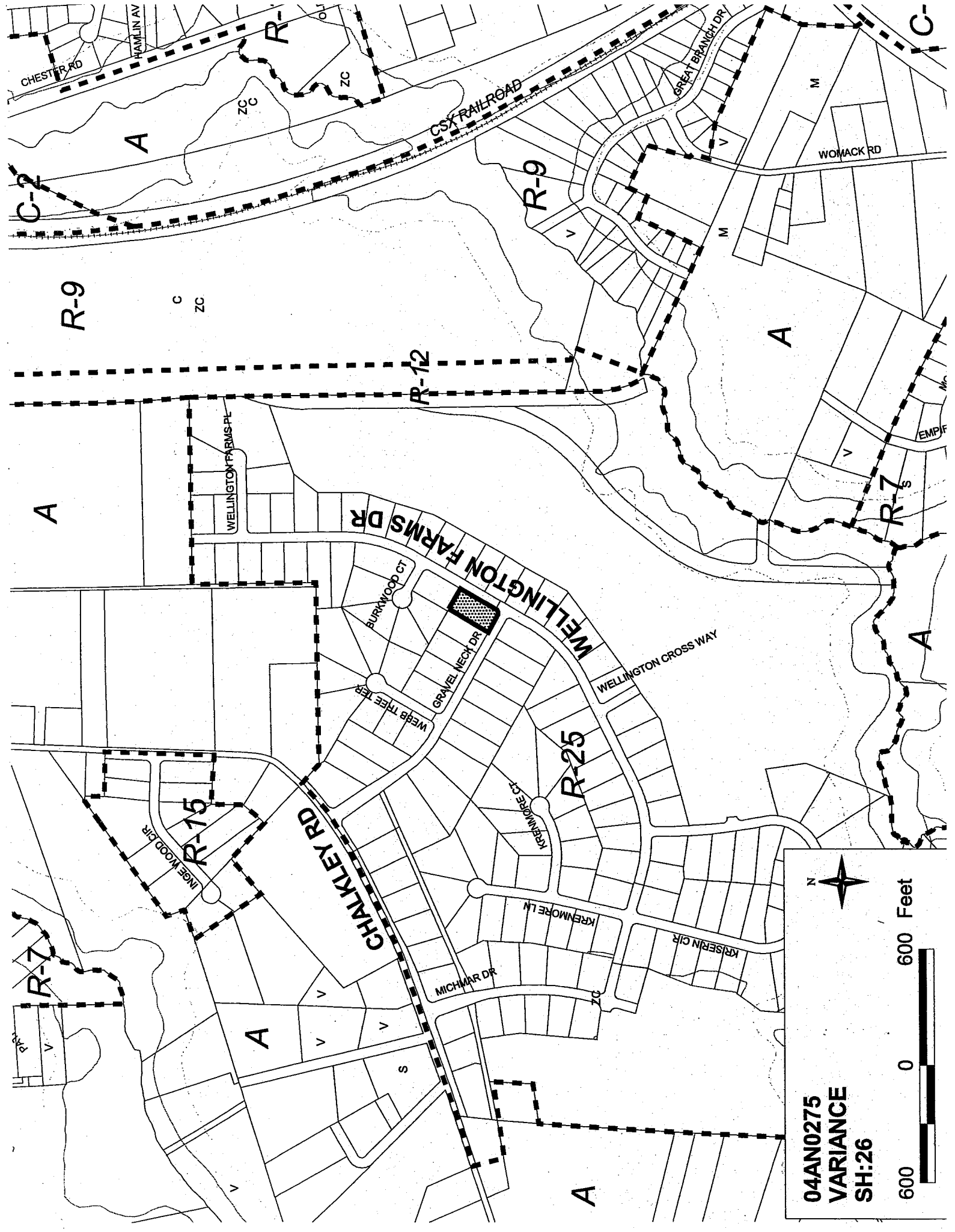
Staff has reviewed the attached site plan and the applicant's proposal. Staff finds that there are no extraordinary circumstances, conditions or physical features that would prohibit adherence to the required setbacks. Therefore, the test for Variances as specified in the Zoning Ordinance (Section 19-21(b)) has not been met. The applicant could relocate the proposed garage, thereby meeting the setback requirements.

Because an alternative exists and the applicants have not provided evidence of extraordinary conditions, staff does not support this request.

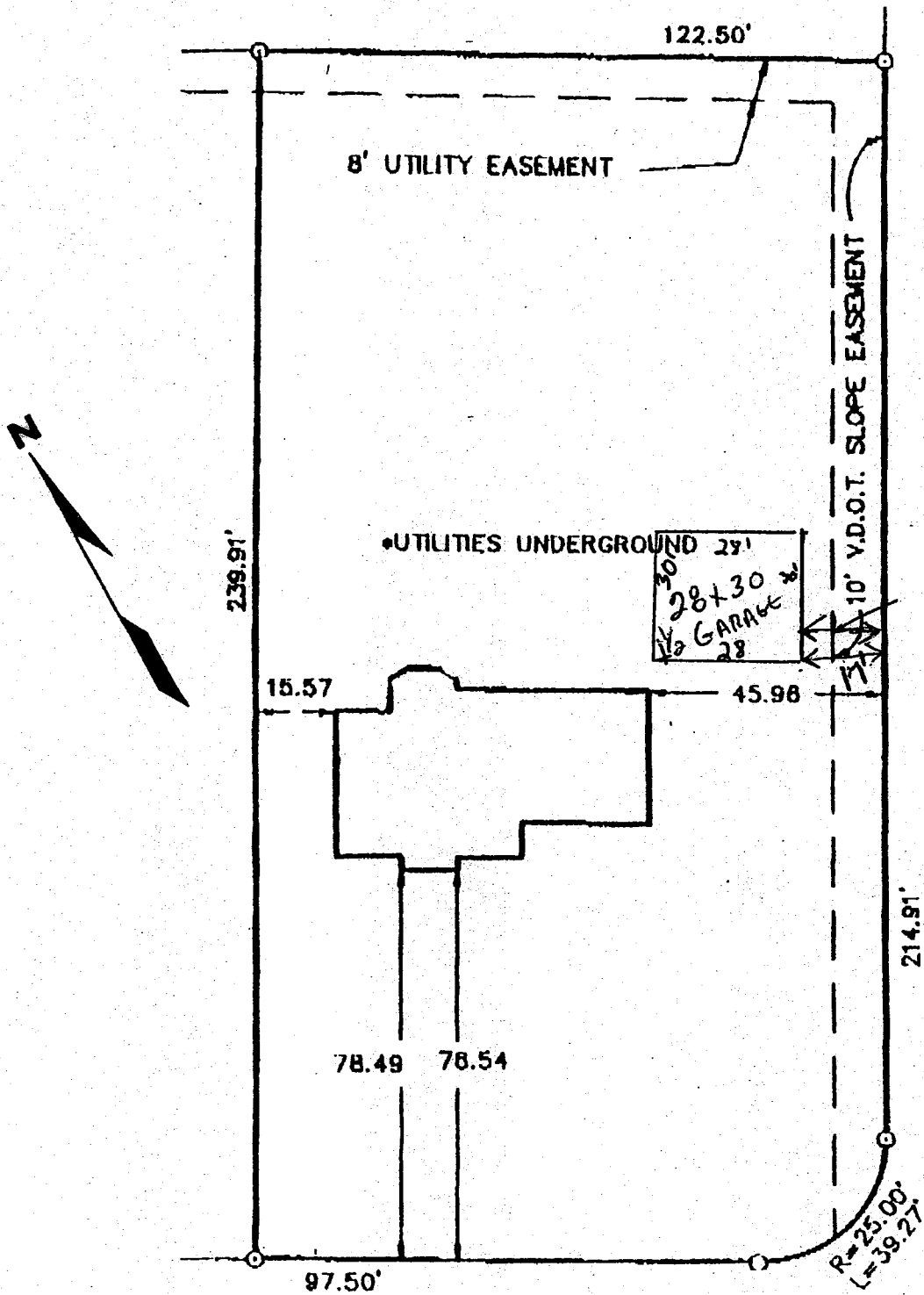
Should the Board of Zoning Appeals approve this request, it should be applicable to the garage only. Other structures could be constructed to this reduced setback. Therefore, staff recommends if this request is approved, it be subject to the following condition:

CONDITION

This Variance shall be for the garage as depicted on the plat attached to staff's report.



04AN0275
VARIANCE
SH:26



WELLINGTON FARMS DRIVE

GRAVEL NECK DRIVE